

Guide for Industry: Excluding and Restricting Food Employees for Establishments Which Serve a Highly Susceptible Population

Health Status of Employee	Exclude or Restrict?	Notify Local Board of Health?	Employee Back to Work?
Employee has persistent sneezing, coughing, runny nose which causes discharges from the eyes, nose or mouth	Restrict	No	Employee can return to normal duties once the symptoms have stopped.
Experiencing one or more of the following symptoms: diarrhea, vomiting, fever, sore throat with fever, open sore [*]	Restrict	No, unless employee was source of illness in others	If ill employee did not cause an illness in anyone else, the employee can work once symptoms have stopped. If employee is suspected being the source of a foodborne outbreak, written medical documentation and regulatory authority approval will be needed before resumption of normal duties. If an open sore can be covered with a water tight covering, the employee can work as normal.
Experiencing a symptom as above, but also meets a high risk condition ^{**}	Exclude	Yes	Once symptoms have resolved, the employee will need medical documentation and approval from the regulatory authority.
Diagnosed with one of these highly infectious organisms: <i>Salmonella</i> Typhi, <i>Shigella spp.</i> , <i>E. coli</i> O157:H7, or Hepatitis A	Exclude	Yes	If symptoms are present, the employee must wait until they resolve. The employee will also need written medical documentation and approval from the regulatory authority.
Diagnosed with any other disease which is transmissible through food such as Salmonellosis, Giardiasis and Campylobacteriosis (for complete list see 590.003(C)(5)-(14) or consult Board of Health for clarification)	Exclude	Yes	If symptoms are present, the employee must wait until they resolve. The employee will also need written medical documentation and approval from the regulatory authority.
Employee was ill with <i>Salmonella</i> Typhi within the past 3 months.	Exclude	Yes	The employee will need written medical documentation and approval from the regulatory authority.
Employee was ill with <i>Shigella spp.</i> , <i>E. coli</i> O157:H7 or any other disease that is transmissible through food within the past month (see 590.003(C)(5)-(14) or consult Board of Health for clarification.)	Exclude	Yes	The employee will need written medical documentation and approval from the regulatory authority.
Employee has become jaundiced within the past 7 days.	Exclude	Yes	The employee must be excluded for at least 7 days from the onset of jaundice. After 7 days the employee can work if he is free of all symptoms and if he has written medical documentation and approval from the regulatory authority.
Employee is jaundiced but it started more than 7 days ago.	Exclude	Yes	The employee must be free of all symptoms and must have written medical documentation and approval from the regulatory authority.

^{*} If the employee has symptoms which are due to a chronic medical condition which is not contagious, such as Crohn's disease, irritable bowel syndrome or ulcerative colitis, the person in charge should have the employee provide medical documentation which confirms this information.

^{**} "High risk conditions" is defined in Food Code 2-201.11(D). Essentially, it means conditions which put an employee at high risk of becoming ill because they either prepared or consumed food which caused an outbreak of *Salmonella* Typhi, *Shigella spp.*, *E. coli* O157:H7 or Hepatitis A, or they live with a person who is ill with a disease which is transmissible through food, or they live with someone who has been exposed to one of these diseases. If an employee has a high-risk condition, but has no symptoms, they can continue to work. However, they should report the high-risk condition to the person in charge. If the employee becomes symptomatic, they will need to be excluded from work. If the employee lives with someone who has Hepatitis A or *Salmonella* Typhi they must be excluded.

How do I know if I serve a “highly susceptible population”?

A highly susceptible population is a group of people who are more likely than others to experience foodborne disease because they are immunocompromised due to old age, very young age, or a medical condition. For the purposes of the new regulations, a highly susceptible population is considered to be one which is in a **facility** which provides health care or assisted living services, such as a hospital or nursing home, or in a **facility** which provides custodial care to preschool age children such as a day care center. Because of the immune deficient nature of this population, food establishments which operate in facilities such as hospitals, nursing homes, daycare centers, and assisted living centers will have more stringent requirements for excluding and restricting ill employees.

What is “written medical documentation”?

Written medical documentation, if required, means that the ill employee must have written proof that they are free of any disease, which could be transmitted to others through food. In most cases, this will be satisfied by providing copies of lab tests showing negative stool cultures. However, in certain situations, it will require a written note from a licensed doctor, nurse practitioner or physician’s assistant. The written documentation must be provided to the local Board of Health. The local Board of Health can tell you what documentation will be needed in order to have an exclusion or restriction lifted.

Who is the “regulatory authority”?

The regulatory authority is usually the Board of Health in the town in which the establishment is licensed. In some cases, such as a large outbreak, it may be the Massachusetts Department of Public Health.

What does it mean to restrict a food employee?

A restriction means that the food employee may **not** work with exposed food, clean utensils and equipment, clean linens and unwrapped single-service and single-use articles.

What does it mean to exclude a food employee?

If a food employee needs to be excluded, they may not enter any part of the establishment where food and equipment is stored, prepared or served.

Who is responsible for reporting symptoms or illnesses?

The responsibility to report symptoms or illnesses lies with the employee, and they must be made aware of this requirement when first hired. Symptoms or illnesses must be reported to the person in charge.

What is the role of the person in charge?

The person in charge has many roles. The person in charge must require that employees report any symptoms or illnesses to them, and he must do everything he can to insure that employees are complying with this requirement. In addition, when indicated (see chart), the person in charge must exclude the employee from the establishment or restrict the duties of the employee until the medical condition or symptoms resolve. In many instances, the person in charge will also need to notify the local Board of Health that they have an ill employee.

What can the person in charge do to encourage employee compliance with the reporting requirement?

If employees will lose time from work, they may be reluctant to report their illnesses to the management. One way to encourage reporting would be to allow a certain number of paid sick days for each employee. In addition, educating employees about the importance of not working when sick may help motivate them to be responsible and not work when they might pose a risk to customers or other employees. When possible, a restricted employee should be temporarily assigned to duties in which there is no risk of contaminating exposed food, clean utensils and equipment, clean linens, and unwrapped single-use and single service items.